



FARMERS BRANCH

ORDINANCE NO. 2976

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A RESTAURANT WITH DRIVE-THROUGH SERVICE LOCATED ON AN APPROXIMATELY 0.496-ACRE TRACT AT 2421 VALWOOD PARKWAY, WITHIN THE PLANNED DEVELOPMENT NUMBER 70 - OLD FARMERS BRANCH - GENERAL BUSINESS SUBDISTRICT (PD-70-OFB-GB) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City, to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and State law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow for a restaurant with drive-through service on an approximately 0.496-acre tract, located at 2421 Valwood Parkway at the intersection of Valwood Parkway and Distribution Way and within Planned Development Number 70 - Old Farmers Branch - General Business Subdistrict (PD-70-OFB-GB) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 70 - Old Farmers Branch - General Business Subdistrict (PD-70-OFB-GB) zoning district and in accordance with the approved site plan, with approved special exceptions, attached as Exhibit "C". All exhibits attached hereto are incorporated herein by reference.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, on this the 20th day of May, 2008.**

~~APPROVED:~~



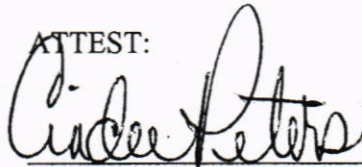
Tim O'Hare, Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



Cindee Peters, City Secretary

Exhibit A – Legal Description

BEING a tract of land located at 2421 Valwood Parkway in the city of Farmers Branch, Dallas County, Texas being out of the Joseph A. Armstrong Survey, Abstract No. 28, being more particularly described by the metes and bounds as follows:

BEGINNING in the North line of Valwood Parkway, a 100 feet wide right of way, as shown by dedication of plat filed in Volume 32, Page 215 of the Map Records of Dallas County, Texas, and at the southeast corner of a tract in said survey conveyed to Magnolia Petroleum Co. And filed September 4, 1959 in deed Records of Dallas County, TX;

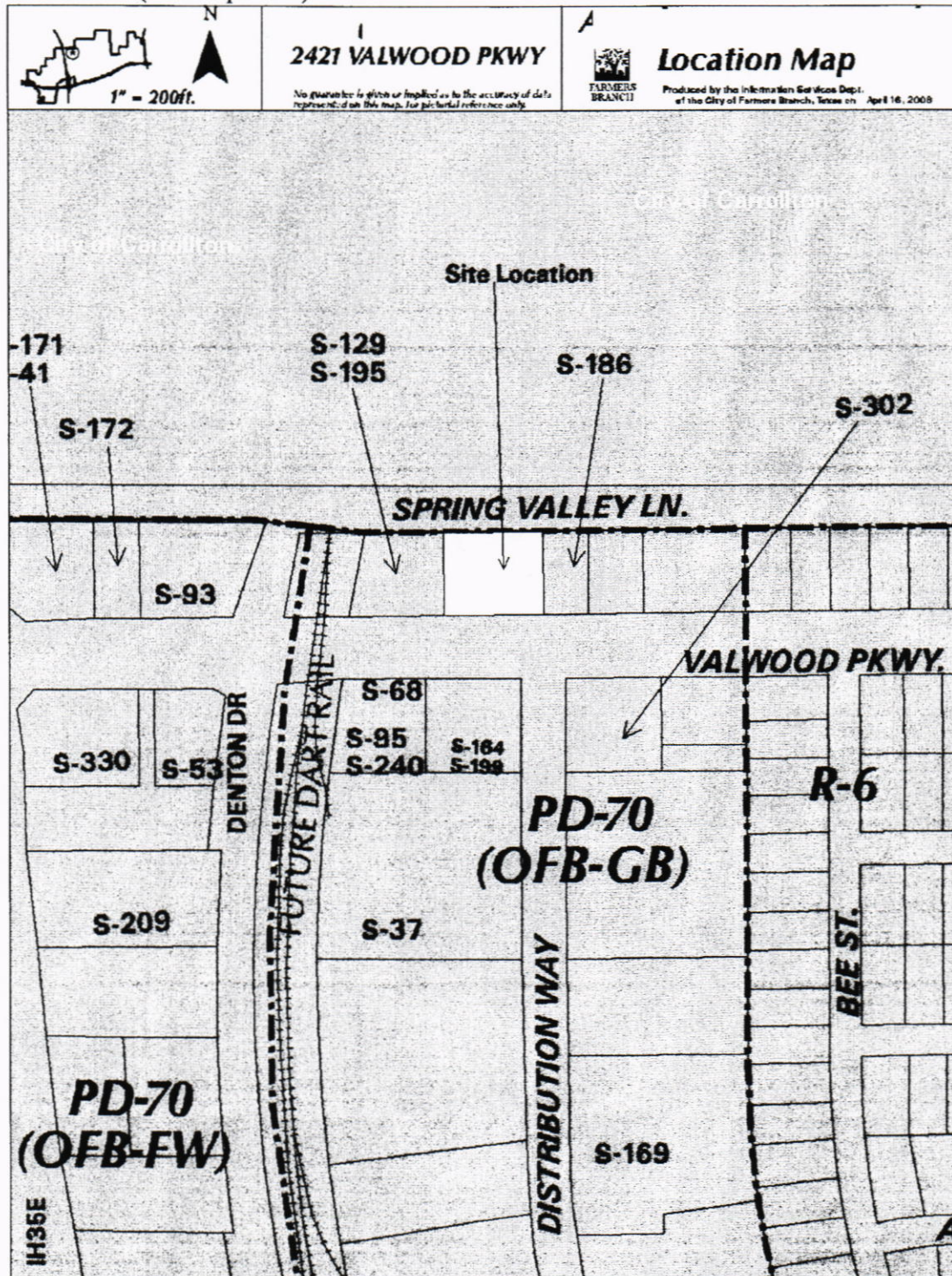
THENCE North 00 degrees 33 minutes West and with the East line of said Magnolia Petroleum Co. tract, a distance of 130.00 feet to its Northeast corner in the South line of Spring Valley Road as established by Valwood Park, Second Installment, and addition to the city of Farmers Branch, as recorded in Volume 25, Page 149 of the Map Records of Dallas County, Texas;

THENCE North 89 degrees 27 minutes East a distance of 157.62 feet to the Northwest corner of a tract conveyed to D. W. Moss in said survey and filed October 20, 1961 in Deed Records of Dallas County, Texas, and said point being Westerly a distance of 313.37 feet measured along the said south line of Spring Valley road, from the Northwest corner of Lot 1, Block B of said Second Installment of Valwood Park Addition;

THENCE South 00 degrees 33 minutes East, and along the West line of said Moss Tract, and parallel to the West line of said Lot No. 1, block B, a distance of 130.0 feet to a point for corner in the said North line of Valwood Parkway;

THENCE South 89 degrees 27 minutes a distance of 157.62 feet to the PLACE OF BEGINNING and containing 20,491 square feet of land, more or less.

Exhibit "B" (Site Depiction)



[illegible]

Exhibit "C" SITE PLAN (Special exceptions as approved by Planning and Zoning Commission)

The four approved Special Exceptions with Number 4 amended are:

- 1) Allow the masonry area on the front side of the building to be 67.5% rather than the required 75%.
- 2) Allow encroachment of the 30-foot front building setback by 1.5 feet.
- 3) Allow 26 parking spaces rather than the required 30 spaces.
- 4) Allow a 22-foot tall freestanding pylon sign containing a sign area of 87 square feet located one (1) foot from the front property line along Valwood Parkway. This new freestanding pylon sign shall be constructed with 100% masonry cladding.

The approved pylon masonry cladding is illustrated below.



Approved Pylon Masonry Cladding

Exhibit "C" SITE PLAN (Site Plan Sheet)

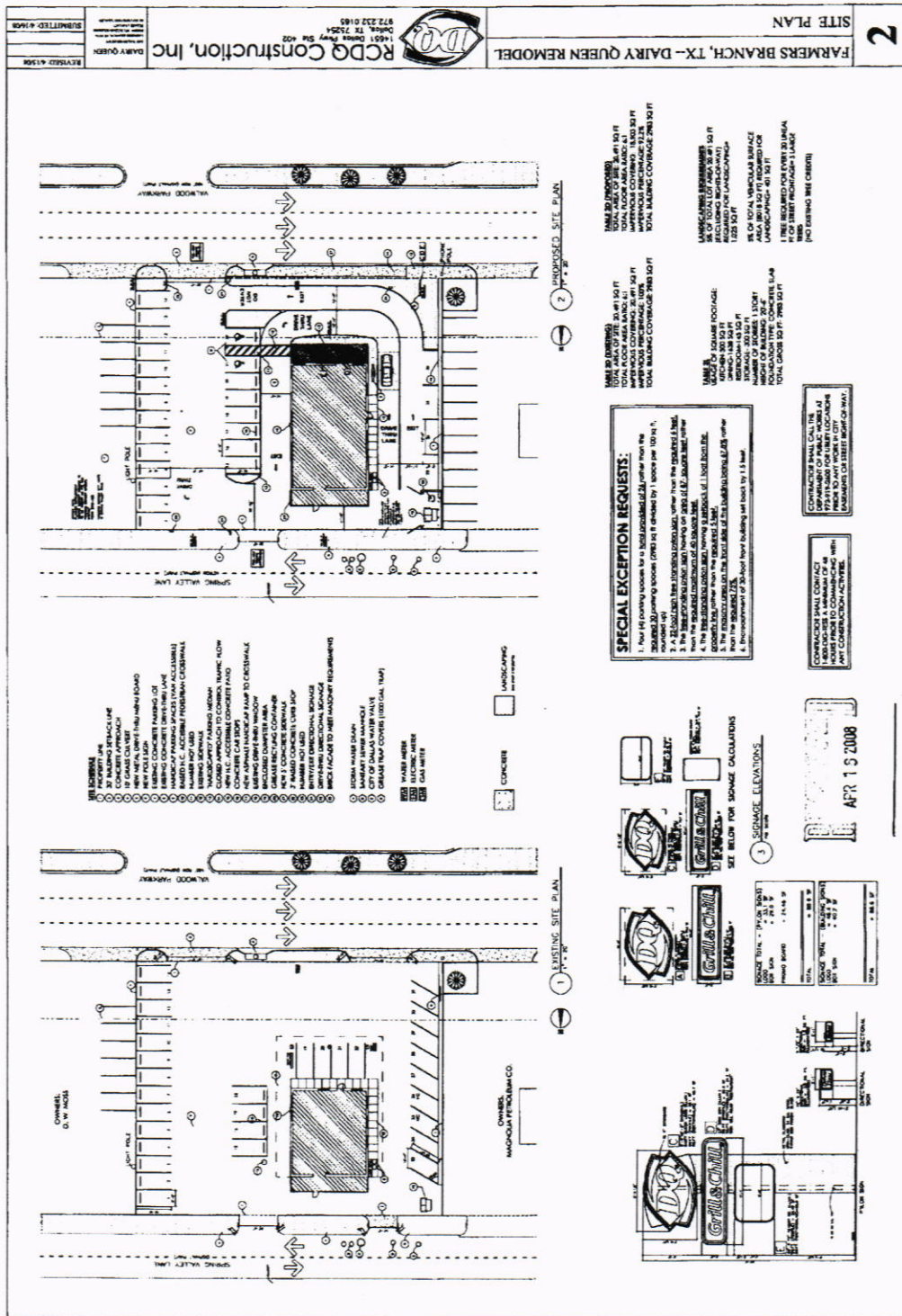


Exhibit "C" SITE PLAN (Elevation Sheet)

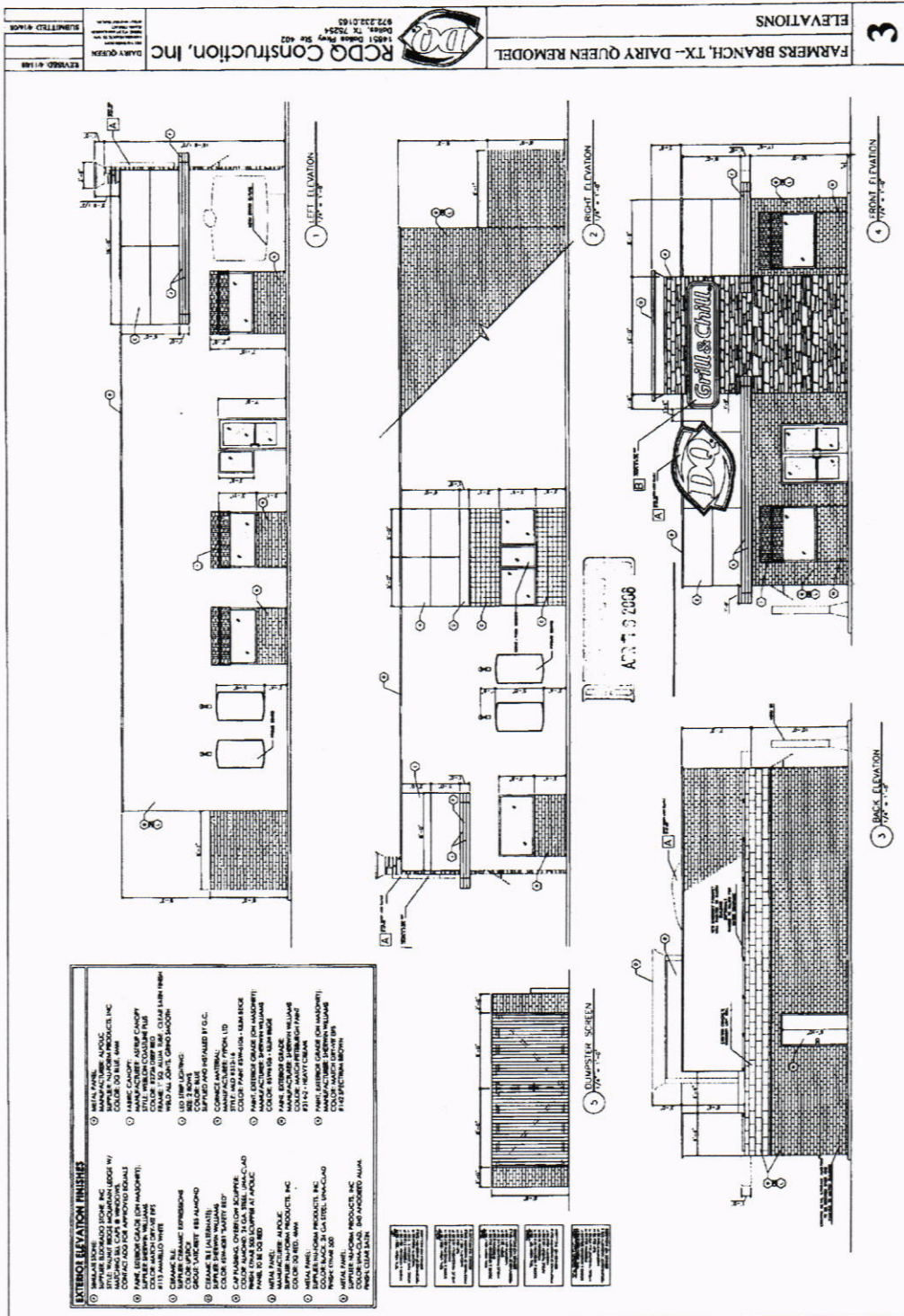


Exhibit "C" SITE PLAN (Landscape Plan Sheet)

SUBMITTED: 4/1/98
 REVISED: 4/1/98
 DRAWN: KYLE
 CHECKED: KYLE
 DATE: 4/1/98
 PROJECT: 4/1/98
 SHEET: 4/1/98

FARMERS BRANCH, TX - DAIRY QUEEN REMODEL
 RCDO Construction, Inc.
 5722 0100
 DALLAS, TX 75235
 PHONE: 972-441-1000
 FAX: 972-441-1001
 E-MAIL: RCDO@RCDO.COM
 WWW: WWW.RCDO.COM

LANDSCAPE PLAN
 4

PLANT LEGEND
 COMMON NAME: FLORENCE HYDRANGEA
 SET @ SPACING: 3' x 3' (1.13' x 1.13' ft)
 COMMON NAME: JAPANESE MAPLE
 SET @ SPACING: 3' x 3' (1.13' x 1.13' ft)
 COMMON NAME: LORDBAY PALM
 SET @ SPACING: 3' x 3' (1.13' x 1.13' ft)
 COMMON NAME: COMPACT FERNERIA
 SET @ SPACING: 3' x 3' (1.13' x 1.13' ft)

NOTE:
 1. ALL LANDSCAPING SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE TEXAS LANDSCAPE ARCHITECTS BOARD'S STANDARDS AND SPECIFICATIONS.
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LEGEND

EXISTING STORM SEWER
 EXISTING SANITARY SEWER
 EXISTING SANITARY MANHOLE
 EXISTING WATER LINE
 EXISTING WATER METER
 EXISTING GAS (HORIZONTAL)
 EXISTING POWER POLE
 EXISTING SEWER LINE
 EXISTING GAS LINE
 EXISTING EASEMENT

PROPOSED DRAINAGE SYSTEM
 PROPOSED SANITARY SEWER
 PROPOSED STORM SEWER
 PROPOSED WATER LINE
 PROPOSED GAS LINE
 PROPOSED EASEMENT

NOTES:
 1. NO MODIFICATION IS REQUIRED UNLESS OTHERWISE NOTED.
 2. THE DRAINAGE SYSTEM IS BASED ON THE EXISTING CONDITIONS AND THE PROPOSED REMODEL. THE DRAINAGE SYSTEM IS BASED ON THE EXISTING CONDITIONS AND THE PROPOSED REMODEL. THE DRAINAGE SYSTEM IS BASED ON THE EXISTING CONDITIONS AND THE PROPOSED REMODEL.
 3. CONTRACTOR SHALL CALL THE DEPARTMENT OF PUBLIC WORKS TO OBTAIN THE EXISTING UTILITY RECORDS AND TO OBTAIN THE EXISTING UTILITY RECORDS AND TO OBTAIN THE EXISTING UTILITY RECORDS.

DATE: 10/10/08
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES

THE CITY OF DALLAS HAS REVIEWED THIS PLAN AND APPROVES IT FOR THE CITY OF DALLAS. THE CITY OF DALLAS HAS REVIEWED THIS PLAN AND APPROVES IT FOR THE CITY OF DALLAS. THE CITY OF DALLAS HAS REVIEWED THIS PLAN AND APPROVES IT FOR THE CITY OF DALLAS.

APPROVED FOR THE CITY OF DALLAS
 DATE: 10/10/08
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES

Exhibit "C" SITE PLAN (Utility Plan Sheet)

